

# EXHIBIT 5

## DISTRICT COURT

## **CLARK COUNTY, NEVADA**

INNOVATIV MEDIA GROUP, INC., a  
Wyoming corporation;

## **DECLARATION OF MARK SUWYN**

Plaintiff,

V.

FTE NETWORKS, INC., a Nevada corporation; LATERAL U.S. CREDIT OPPORTUNITIES FUND, LP; RICHARD DE SILVA; DOES I-X; ROE Entities, I-X,

#### Defendants.

I, MARK SUWYN, declare as follows:

13       1. I am over the age of 18 years old and, unless stated to be on information and belief,  
14 have personal knowledge of the facts as set forth herein and could and would competently testify  
15 thereto if called upon to do so.

2. I am the Manager of Suwyn Investments LLC.

3. It has come to my attention that, in 2019:

- a. TTP8, LLC (“TTP8”) represented to FTE that it had acquired legal right, title, and interest in certain promissory notes previously issued by FTE to Suwyn Investments and still held by Suwyn Investments at that time; and

b. based on that representation of legal right, title, and interest in such notes, obtained from FTE certain FTE common stock shares as part of a debt cancellation transaction.

4. That representation by TTP8 was (and still is) false.

25       5. Moreover, I was unaware of any discussions between TTP8 (and/or Mr. Suneet  
26 Singal) and FTE in any way related to these promissory notes which were properly and exclusively  
27 Suwyn Investments' at that time (and still are to date).

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6. While TTP8, through Mr. Singal, attempted to acquire this FTE debt from Suwyn Investments by way of a “Pledge and Purchase Agreement,” that transaction never closed and no consideration at all was ever exchanged in performance thereof.

7. At all times, including to date, Suwyn Investments has considered itself and is, in fact, the legal owner and holder of the Promissory Notes issued by FTE.

8. I have not had any further communications with either TTP8 or Mr. Singal since the above-referenced attempted transaction failed to close.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct to the best of my knowledge.

Executed on 17<sup>th</sup> day of March, 2023 in Bonita Springs, Florida, Lee County, .

Mark Swanson

Mark Suwyn